

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

DAVID T.,

Plaintiff,

V.

MARTIN O'MALLEY, Commissioner,  
Social Security Administration,

Defendant.

C.A. No. 1:23-CV-00232-MSM-LDA

## ORDER

Mary S. McElroy, United States District Judge.

This matter comes before the Court on the plaintiff, David T.'s, Motion to Reverse (ECF No. 12) and the defendant, Martin O'Malley, Commissioner, Social Security Administration's, Motion to Affirm (ECF No. 15) the denial by an Administrative Law Judge ("ALJ") of Supplemental Security Income under 42 U.S.C. § 405(g) of the Social Security Act. The plaintiff has objected to the Report and Recommendation ("R&R") of Magistrate Judge Lincoln D. Almond (ECF No. 16) which recommends that the Court deny the plaintiff's Motion to Reverse and grant the defendant's Motion to Affirm.

On August 31, 2022, after a hearing and review of the record, the ALJ found that the plaintiff was not disabled, and the Appeals Council denied the plaintiff's request for review on May 3, 2023. The plaintiff timely appealed to this Court.

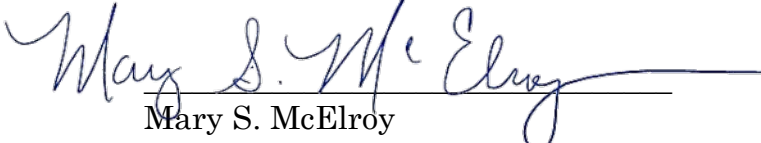
Pursuant to the Federal Rules of Civil Procedure, “[t]he district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3). In reviewing the record, however, “[t]he findings of the Commissioner of Social Security as to any fact, if supported by substantial evidence, shall be conclusive....” 42 U.S.C. § 405(g). Finally, “[q]uestions of law are reviewed de novo....” *Seavey v. Barnhart*, 276 F.3d 1, 9 (1st Cir. 2001) (citing *Ward v. Comm’r Soc. Sec.*, 211 F.3d 652, 655 (1st Cir. 2000)).

The plaintiff argues that Magistrate Judge Almond’s recommendation erroneously failed to examine whether the ALJ properly applied the regulatory factors for considering opinion evidence under 20 C.F.R. § 404.1520c and “operate[d] on the incorrect premise that this is an issue of conflicts in the evidence.” (ECF No. 19 at 1.) The Court disagrees. The ALJ considered the Psychological Test Report of Dr. John Parsons’ and found that his opinion was anomalous and inconsistent with the weight of other medical evidence. As Magistrate Judge Almond correctly found, the resolution of conflicts in the evidence is the purview of the ALJ and must be upheld if supported by substantial evidence. The Court further agrees after review that there was substantial evidence in the record to support the ALJ’s decision. *See* 42 U.S.C. § 405(g) (“The findings of the Commissioner of Social Security as to any fact, if supported by substantial evidence, shall be conclusive ....”).

This Court’s review of the case is independent and, after having carefully reviewed the relevant papers, this Court reaches the same conclusion as Magistrate Judge Almond. The Court therefore ACCEPTS the R&R (ECF No. 16), adopting both

the recommendation and reasoning set forth therein. Accordingly, the Motion to Reverse (ECF No. 12) is DENIED and the Motion to Affirm (ECF No. 15) is GRANTED.

IT IS SO ORDERED.



Mary S. McElroy  
United States District Judge

June 18, 2024